

**TOWN OF SULLIVAN’S ISLAND, SOUTH CAROLINA  
PLANNING COMMISSION  
REGULAR MEETING MINUTES  
Wednesday, February 8, 2017**

A regular meeting was held at 6:00PM, this date, at Town Hall, 2056 Middle Street, all requirements of the Freedom of Information Act satisfied. Present: Commissioners Sydney Cook (Vice-Chair), Charlie Cole, Hal Currey, Carl Hubbard and Tim Watterson. Staff members: Zoning Administrator Henderson and Asst. to Administrator Darrow.

**Call to Order.** Vice-Chair Cook called the meeting to order, stated press and public were duly notified pursuant to state law and a quorum was present (Chair Gary Visser and Manda Poletti had excused absences); one audience member (no media) present.

**I. Approval of Agenda – Approved with consideration of Election of Officers  
at the beginning of the meeting**

**II. Election of Officers**

Commissioners expressed interest in deferring this matter to next month since two of the Commission members were absent.

**MOTION: Mr. Watterson moved to defer election of officers to the March 8, 2017  
Planning Commission meeting; seconded by Mr. Hubbard. MOTION  
UNANIMOUSLY PASSED.**

**III. Approval of Minutes**

**MOTION: Mr. Watterson moved to approve the December 14, 2016 minutes;  
seconded by Mr. Cole. MOTION UNANIMOUSLY PASSED.**

**IV. Text Amendments**

Zoning Administrator Henderson:

- Provided an overview for the remaining business items on the Council’s agenda: Text Amendment items 1 and 2 and Items for Consideration item 1, all being strategies for addressing the review and development of properties with historic structures upon them.
- Noted the Design Review Board studied this matter in response to Town’s Council’s request for consideration of the following:
  - Evaluate options for elevation of historic structures below the FEMA base-flood elevation (BFE) guidelines;
  - Consider strategies to enhance historic design review, to include possibly a stand-alone historic design guidelines
- The Design Review Board provided feedback and recommendations to the Land Use & Natural Resources Committee of Council and this Planning Commission, as discussed in last month’s meeting. Discussion tonight is a continuation of this review process.

**1. Historic Design Review Procedure: Text amendment to modify Zoning Ordinance Section 21-97 C. (5) (Criteria for Certificate of Appropriateness) by requiring compliance with the *Secretary of Interior’s Standards for the Treatment of Historic Properties: Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings***

**Staff Report:** Zoning Administrator Henderson

- Consideration for modifying Section 21-97 C. (5) (Certificate of Appropriateness) to clarify the requirement for using *Secretary of Interior’s Standards for the Treatment of Historic Properties: Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*.

**Chronology of Issue:**

**Design Review Board:**

Review from 2015-June 2016

Decision: DRB approved several recommendations for Town Council in lieu of creating design guidelines

**Land Use & Natural Resources Committee of Council**

June 2016

Decision: DRB recommendations presented to LUNR. Sent to Planning Commission for study and recommendation back to Town Council

**Planning Commission**

September 2016

Decision: PC recommended to Council “no” to design guidelines and to move forward with text amendments – allow PC to hold a public hearing.

**Land Use & Natural Resources Committee of Council**

January 2017

Decision: LUNR sent back to Planning Commission for public hearing for text amendments to 21-97 C. (5) (Certificate of Appropriateness) and standards for elevating buildings. LUNR recommended Planning Commission hold a public hearing for the aforementioned text change. Additionally, LUNR requested further study of the DRB concept to modify Section 20-21 ADU incentive.

Zoning Administrator Henderson reviewed the four levels of treatment for an historic structure: Preservation, Rehabilitation, Restoration and Reconstruction, listed in hierarchical order.

Staff recommends text amendment, noting it will provide property owners with clarification of the DRB historic review process and offer instructive strategies for addressing various treatments to an historic property. Zoning Administrator Henderson noted that one homeowner’s project informs the type of preservation strategy required, which can include multiple strategies, i.e. preservation and rehabilitation, of restoration with needed reconstruction for example. In this sense, the current ordinance language is insufficient because it only refers to rehabilitation as the only allowed strategy for historic preservation.

**MOTION: Mr. Currey made a motion to hold a Public Hearing at the March 8, 2017 Planning Commission meeting to consider modifying Section 21-97 C. (5) (Certificate of Appropriateness) to clarify the requirement for using *Secretary of Interior's Standards for the Treatment of Historic Properties: Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*; seconded by Mr. Watterson. MOTION UNANIMOUSLY PASSED.**

- 2. Standards for Elevating Historic Structures: Text amendment to add Zoning Ordinance Section 21-44 A-B (Elevating Historic Buildings) standards for elevating of historic structures in the Single-Family Residential (RS) District; and, Zoning Ordinance Section 21-59 B, Standards for elevating buildings in the Community Commercial (CC) District**

**Staff Report:** Zoning Administrator Henderson gave an outline of the chronology of the issue:

**Chronology of Issue:**

**Design Review Board** 2015-June 2016  
Decision: DRB approves several recommendations for Town Council in lieu of creating design guidelines. Create language to regulate elevating historic buildings.

**Land Use & Natural Resources Committee of Council** July 2016  
Decision: DRB recommendations presented to LUNR. Sent to Planning Commission for study

**Planning Commission** September 2016  
Decision: PC recommends to Council “no” to design guidelines and to move forward with text amendment to regulate elevation projects.

**Land Use & Natural Resources Committee of Council** January 2017  
Decision: LUNR sends back to Planning Commission for further study and potential public hearing.

**Background:**

As Sullivan’s Island is located in the floodplain, DRB receives regular requests to elevate historic structures to comply with FEMA regulations (FEMA incentivizes activity through flood insurance premiums).

Preservation considerations from elevating designated historic structures:

- Removes the historic perspective of the home, altering the streetscape and may possibly adversely affect the overall standing of the historic district;
- Alters the historic massing, materials and architectural features of the home;
- Alters landscape and other site features (vistas and view of surrounding properties);
- Alters traditional access points (addition of porches and stairs).

DRB has recommended an integrated design approach to be taken when considering elevation of designated historic structures (Sullivan’s Island Landmarks and Traditional Island Resources). These guidelines were derived from the *Mississippi* and *Louisiana Elevation Design Guidelines*.

**Staff provided potential text amendments for Commission’s consideration – Exhibit A.**

Staff clarified that this ordinance would affect all relevant residential and commercial structures within the RS and CC Districts.

**Commission Discussion:**

Commission reviewed the trigger for FEMA BFE compliance: improvement of a structure in excess of 50% of the market value of the structure.

Staff noted that the DRB currently considers factors such as height, scale and composition in its review of historic properties vis-à-vis elevation and addition requests. However, the Town proposes to codify this review process and make it a requirement of applicants to demonstrate these considerations when proposing the elevation or relocation of historic structures.

Commission discussed the difference between elevation of a structure to BFE or additional (+1’) foot above BFE – the lowest structural member or lowest finished floor? **Zoning Administrator Henderson is studying the question with Building Official Robinson and report at next meeting.**

Staff noted that the Town is not in a position to deny an owner’s right to elevate an historic structure to BFE. The Town can, however, remove the additional one (1’) foot height allowance above BFE because it is a local ordinance regulation and not a FEMA requirement.

**Action: Staff will research height options and considerations, reporting data and recommendations at the next meeting. Matter deferred to next meeting for continued discussion.**

**V. Items for Consideration**

- 1. RS-District Special Exception: Consideration of text amendments to modify Zoning Ordinance Section 21-20 C. (2) (Historic Structure used as accessory dwelling unit) a Special Exception in the Single Family Residential (RS) District**

**Staff Report:** Zoning Administrator Henderson outlined a chronology of the issue:

**Chronology of Issue:**

**Design Review Board**

2015-June 2016

Decision: DRB approved several recommendations for Town Council in lieu of creating design guidelines. One suggestion was to modify incentives to property owners via Section 21-20 C (2).

**Land Use & Natural Resources Committee of Council**

July 2016

Decision: DRB recommendations presented to LUNR. This suggestion was not sent to the Planning Commission for study.

**Planning Commission**

September 2016

Decision: PC recommended to Council “no” to design guidelines. DRB members attended the PC meeting and made an additional recommendation to modify incentives via Section 21-20 C. (2).

**Land Use & Natural Resources Committee of Council**

January 2017

DRB presented to LUNR additional suggestion to modify Section 21-20 ADU incentive. LUNR sent it back to Planning Commission for further study and evaluation of any unintended consequences of the policy.

**Staff provided potential text amendments for Commission’s consideration – Exhibit B**

Modify the conditions for granting an Accessory Dwelling Unit (ADU) Special Exception:

- Remove the 1200 sf requirement (maximum size of the historic primary residence)
- DRB may grant discretionary increases in (heated) building square footage and coverage for the new construction
- The historic structure may be rebuilt if destroyed

**Staff provided summary data on existing historic structures affected by removal of the 1200 sf limit:**

**Historic Building Stock Data**

- 11463 parcels/lots
- 992 total residential structures

**Total Historic Residential Structures:**

- Landmark #1 Class – 141
- Island Resources #2 Class – 95
- Total: 236 or 24% of all structures are designated historic

**FEMA Noncompliant + Historic**

- Landmark #1 Class – 71
- Island Resources #2 Class – 41
- Total: 112 or 11% of all structure FEMA noncompliant + historic

## **Commission Discussion:**

Two homes on one lot via the current ADU special exception: owner must live in the primary structure (new home) in order to rent, long-term, the accessory dwelling unit (ADU).

List of historic structures can fluctuate over time as homes may age and be considered historically contributing over time. Staff commented that properties can be modified to re-qualify for the historic list.

Questioned whether a smaller historic property can be relocated on a lot to allow for construction of a bigger ADU? Staff clarified that the DRB has set the precedent for allowing this activity.

Concern regarding increasing density, now and into the future:

- Recommendation does not align with the Comprehensive Plan's goals to maintain one single-family dwelling unit on a lot.
  - Noted residents overwhelmingly did not support the concept of multi-family development as an adaptive re-use of large historic structures (circa 2013), citing concerns over increased density
  - Allowing so many historic properties to receive this special exception would conflict with the single-family goals and values of the Island.
- Potential negative impact on residential character of Island
- Impact on Town services, notably water/sewer service
- DRB will soon have the full SIS guidelines in place to review and manage the impact of development to an historic property. Why does the DRB feel it needs to incentive homeowners with a second structure on the property?
- Questions by residents of fairness as non-historic home owners already question how a big home can be built behind a small home on one lot.

**Action: Commission stated they would need more data on this concept and its potential impact on the Island before discussing further. Staff to compile data, with special focus on increase to dwelling units and effect on the existing water and sewer facilities that might arise from a text amendment change.**

*Commissioner Currey excused himself from the meeting at this time (6:43PM)*

## **2. Staff Update on Town Projects – oral report given**

There being no further business, the meeting adjourned at approximately 6:56PM (Mr. Hubbard motioned; Mr. Cole seconded; unanimously passed).

Respectfully submitted,  
Lisa Darrow  
Asst. to Administrator

Approved at the March 8, 2017 Planning Commission Meeting

**Sec 21-44. Elevating Historic Buildings.****A. Purpose.**

To preserve the character of designated historic properties and surrounding neighborhoods, an integrated design approach shall be taken when elevating Sullivan's Island Landmarks and Traditional Island Resources.

**B. Design Standards.**

Any proposed elevation or site relocation of an historic structure shall carefully consider site conditions (site elevations and topography), parcel access, typology of architecture, building composition and scale, and its context with adjoining historic properties when employing the following standards:

- (1) Height: To minimize the height of elevating historic structures, the finished floor elevation (FFE) shall exceed no more than one (1) foot above the required FEMA base flood elevation. Or...

Height: To minimize the height of elevating historic structures, the finished floor elevation (FFE) shall be no higher than the required FEMA base flood elevation.

- (2) Composition and Scale: To maintain an historic building's visual character and design compatibility with the surrounding neighborhood, an elevation design plan shall be submitted to illustrate the composition and scale of the building's principal architectural features are being maintained and will remain proportional to the elevated foundation.
- (3) Perspective and Orientation: Any proposed elevation or relocation should maintain the building's historic perspective from the principal right-of-way. All historic architectural elements should be maintained after elevation or relocation.
- (4) Scale Minimization and Architectural Screening: Appropriate measures should be introduced into the site design to reduce or eliminate negative visual effects from the elevation of a historic structure. These elements include fencing, landscaping (foundation plantings), stair configuration and any other site considerations noted by the Design Review Board.

Design Review Board shall make case-by-case determinations of the above design criteria to achieve greater neighborhood compatibility and to achieve the goals and standards of the Historic Preservation Overlay District (Article XI).

**Sec 21-59 Foundation height. (Commercial District Regulations)****A. Purpose.**

Due to FEMA regulations and Hurricane Hugo, the foundations of Principal Buildings are substantially elevated; although not presently the case within the CC-District, this provision is intended to prevent Principal Buildings from being elevated higher than FEMA requirements.

**B. Design standards for Elevated Buildings.**

- (1) The bottom elevation of a Principal Building's 1<sup>st</sup> floor joists shall be no more than two (2) feet above the FEMA base flood elevation
- (2) The Principal Building's finished floor shall not be more than three (3) feet above the FEMA base flood elevation.
- (3) Exception: For Principal Buildings constructed no more than three feet (3') above grade, the rear one half (½) of the Principal Building may be elevated to permit parking underneath the Principal Building.
- (4) Elevating designated historic buildings within the CC-District shall be required to comply with the standards established in Section 21-44.

**c. Design Review Board.**

*The Design Review Board may grant a modification in this Design Standard of no more than one foot if this or other modifications achieves greater Neighborhood Compatibility as described in article XII.*

Text in red indicates suggested modifications by the DRB study group on May 31, 2016.

B. **Special exceptions in the RS-District.**

(1) Definition and approval.

- (a) A use permitted in a zoning district that possesses characteristics that require certain controls in order to ensure compatibility with other uses in the district within which they are proposed for location and therefore shall be approved by the Board of Zoning Appeals.
- (b) In addition to requiring the approval of the Board of Zoning Appeals, special exceptions in the RS- Single Family District are subject to specific conditions that are enumerated by type of use.

(2) **Historic structure used as accessory dwelling unit.**

As an incentive to preserve historic structures and avoid their demolition, a second dwelling may be constructed on the same lot as an historic structure, and the historic structure may be used as an accessory dwelling, when all of the following conditions are met:

- (a) Prior use shall have been used as a dwelling; and
- ~~(b) The size of the historic structure is less than twelve hundred (1200) square feet of heated space at the time of its designation as historic and is listed as an historic property as described in Section 21-94 Historic Property Designation Criteria; provided, however, that a structure reduced to less than 1200 square feet of heated space after its designation as historic may qualify for special exception approval for an additional dwelling on the same lot, but only if the Design Review Board review determines and specifies in findings, that: (5-15-07)~~

a. Special circumstances justify such reduction in square feet based on the criteria listed in Section 21-94D. (1-8); and (5-15-07)

b. The portions removed from the historic property were added less than fifty (50) years ago and/or obscured an earlier feature of the historic house which contributed substantially to the most important elements of its historic character, definition and integrity. Examples of the latter instance include the removal of an enclosure of a porch when the open porch had been characteristic of a particular type of Island structure, or removal of an addition which covered a distinctive feature of the structure that is shared by neighboring structures. (5-15-07)

These provisions shall supersede any inconsistent provisions contained in other portions of Chapter 21 relating to the use of historic structures as accessory dwellings, including but not limited to Section 21-140. (5-15-07)

- (c) In the event the historic structure does not meet current FEMA elevation requirements, the Design Review Board finds that bringing it into compliance would significantly impair the historic and architectural character of the structure; and
- ~~(d) Provided any historic structure that is to be elevated to the FEMA base flood elevation (BFE) and is compliant with the standards of Section 21-44 (Elevating Historic Buildings); and~~
- (e) In the event the historic structure meets current FEMA elevations requirements, the Design Review Board finds that there is no feasible design solution for an addition to the historic structure that would not significantly impair the historic and architectural character of the structure; and
- (f) No separate utility service meters shall be permitted; and
- (g) The bottom elevation of the new second structure's first story floor joists shall be no greater than two (2) feet above the FEMA base flood elevation; and
- (h) The Design Review Board must find that the height, scale, mass and placement of the second structure are appropriate to and compatible with the lot on which it is sited, the character of the historic structure and surrounding neighborhood. When necessary to achieve such appropriateness and compatibility, the Design Review Board may impose stricter limits on

- height, setback, size and coverage than those of the zoning standards; and
- (i) Permission to build a second structure and to use the historic structure as an accessory dwelling is approved as a special exception by the Board of Zoning Appeals; and
    - (i) The following conditions as covenants running with the property shall be placed on the real estate title to the property by the owner of the lot by recording deed restrictions for the benefit of the Town of Sullivan's Island on the owner(s) title and recording the same in the RMC office for Charleston County before a building permit is issued:
      - (i) The lot shall remain in single ownership; more specifically, regardless of the type of ownership every owner, member, partner, shareholder, or unit owner, must have the same percentage of ownership in the historic structure as in any additional structure(s); and
      - (ii) Every owner, member, partner, shareholder or unit owner must have the same amount of control over the use of the historic structure as over any additional structure(s); and
    - ~~(j) Discretionary increases by the Design Review Board in principal building coverage, impervious surface coverage and square footage may not be granted to properties with a second structure.~~
    - ~~(k) If the historic structure used as an accessory dwelling is destroyed, it may not be replaced~~
    - (l) The historic structure used as an accessory dwelling may be used as a long-term rental, but only so long as the principal structure is occupied by an owner of the property as primary residence and a current business license is held on the same property. Primary residence is defined as a dwelling where the owner or owners reside on a permanent basis and are assessed at the four percent (4%) assessment rate on their ad valorem property tax.
- (3) Religious institution:
- (a) Limited to one building per lot;
  - (b) Housed in a permanent building;
  - (c) Located on a lot not less than one-half (½) acre in area;
  - (d) Provides off-street location for picking-up and dropping-off adults and children;